

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMMIE E. HARRIS,

Plaintiff,

CIVIL CASE NO. 04-40153

v.

DETROIT PUBLIC SCHOOLS, et al.,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendants.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

Plaintiff has filed this employment action on May 27, 2004 alleging, *inter alia*, four causes of action under 42 U.S.C. § 1983 and various state law claims. On June 1, 2004, the Court declined to exercise supplemental jurisdiction over Plaintiff's state law claims and dismissed them without prejudice. Before the Court is Defendants' motion for summary judgment and the Report and Recommendation of United States Magistrate Judge Mona K. Majzoub. The Magistrate Judge recommends that the Court grant Defendants' motion for summary judgment in part and dismiss Plaintiff's federal claims under 42 U.S.C. § 1983. Unaware of this Court's dismissal of Plaintiff's state law claims, the Magistrate Judge also recommends, in addition to granting Defendants' motion in part, that the Court deny Defendants' motion for summary judgment with regard to Plaintiff's state law claims because Defendants failed to address them. Nonetheless, the Magistrate Judge then recommends that the Court decline to exercise supplemental jurisdiction over the state law claims and dismiss them without prejudice. This latter act is unnecessary, however, because the Court has already dismissed Plaintiff's state law claims. The Magistrate Judge served the Report and

Recommendation on all parties on February 14, 2006. Accordingly, any objections should have been filed within ten days of service, by March 6, 2006. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). *See also* Fed. R. Civ. P. 6(e). Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 32] is **ACCEPTED** and **ADOPTED** as the opinion of this Court with regard to Plaintiff's federal claims, and Defendants' motion for summary judgment [docket entry 24] is **GRANTED** as to Plaintiff's federal claims. The Plaintiff's state law claims having been previously dismissed, accordingly, this action, no. 04-40153, is **DISMISSED**.

SO ORDERED.

Dated: March 7, 2006

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on March 7, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Benjamin Whitfield, Jr., and I
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Squire Padgett; Donald Pailen; Joseph G. Sullivan.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845